

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1684-02
Bill No.: HB 824
Subject: Elderly; Drugs and Controlled Substances; Social Services Department
Type: Original
Date: March 6, 2001

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|------------|---------------------|-----------------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| General Revenue | \$0 | \$63,153,503 | (\$17,855,643) |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | \$0 | \$63,153,503 | (\$17,855,643) |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| Local Government | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health** assumed this proposal would not fiscally impact their agency.

Office of Secretary of State (SOS) officials state this proposal would establish the Pharmaceutical Investment Program for Seniors. SOS states that based on experience with other divisions, the rules, regulations, and forms issued by the Department of Social Services could require as many as 32 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register in the Code because cost statements, fiscal notes, and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the Missouri Register is \$23. The estimated cost of a page in the Code of State Regulations is \$27. The actual cost (\$1,968) could be more or less than the numbers given. The fiscal impact of this proposal in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Social Services - Division of Medical Services (DMS)** assume the program would be funded by 100% General Revenue. DMS states the proposal does not designate a start date. For the purpose of this fiscal note, DMS assumed a start date of 1/1/03. DMS assumed the following:

Household Income - For the purpose of this fiscal note, DMS used the Missouri Adjusted Gross Income. DMS obtained the number of persons by income range from the Department of Revenue (DOR) and Office of Administration (OA). DMS assumed that the fiscal note would be significantly higher, if the "Household Income" would be used. This income level was not available at this time.

According to information obtained on the New York senior pharmacy assistance program, 40% of their population had other pharmacy insurance. DMS ranged the percent with no insurance (60% in NY) from 45% to 60% for the purposes of this fiscal note. The New York program also experienced a participation rate of 45%. Based on this and the fact that the benefit package defined in this proposal is less, DMS assumed a participation rate ranging from 30% to 45%. Based on information obtained from the New York program, DMS estimates the total yearly cost for each participant at \$2,383. DMS inflated the cost of the New York program of \$2,230 for 2000 by 15% for two years to obtain the cost and then reduced the cost by 15% for a Pharmacy

ASSUMPTION (continued)

Benefit Manager (PBM) and by 5% for pricing differences between Missouri and New York ($\$2,230 * 115\% * 115\% * 85\% * 95\%$). If a PBM is not allowed to assist DMS in the administration of the program, the yearly cost per eligible would increase by 15%. In addition, the Department would require staff and infrastructure that are not included in this fiscal note. This would cost significantly more than the PBM contract. Participants in the New York program average 38 claims annually. For the purposes of this fiscal note, DMS estimated the yearly claims at 40 claims per participant, due to increased utilization.

DMS assumed that a contractor would be hired to enroll the recipients and collect the application fee of \$25. DMS estimates the cost of the contractor to enroll the persons in the program at \$12 per enrollment for a cost of \$1,064,484 ($88,707 * \12). DMS further estimated the cost to collect the application fee at \$60,000 per month for an annual cost of \$720,000. DMS assumed that the application fee would be an annual fee and would remain at \$25, unless modified by the General Assembly.

DMS assumed the contractor would provide the recipients a card that would be presented to the pharmacy. The cost to produce and mail a card is \$.85. The total cost is estimated at \$75,401 ($88,707 * \$.85$).

DMS assumed that the contractor could perform an initial screening for Medicaid eligibility and refer the eligibles to DFS for the final eligibility determination. There are a number of issues with this section of the proposal, primarily related to spenddown. At this point, it is thought that persons being referred to DFS would primarily be spenddown eligibles. There may be situations where it is in the state's best interest that the person is spenddown versus only eligible for the pharmacy benefit and vice versa. Since Spenddown is a federally required program, the State cannot preclude Spenddown participation.

DMS assumed that one Medicaid Manager and six Correspondence and Information Specialists would be needed to respond to provider and recipient inquiries.

DMS assumes that a PBM would administer the program. DMS assumes the cost of the PBM services will be \$.75 per claim. The total yearly claims are estimated at 3,548,260. This yields a PBM cost of \$1,330,598 ($3,548,260 * .5 * .75$) for FY 03 and \$2,661,195 ($3,548,260 * .75$) in FY 04.

DMS assumed that DMS would receive all pharmacy claims, including claims that count toward the deductible amount so that DMS can track the deductible amounts and reimburse claims appropriately.

ASSUMPTION (continued)

There may be an unintended consequence to this proposal where a senior is currently using prescription drug costs to qualify for the Medicaid spenddown program. If they no longer incur this cost, they may no longer be eligible for spenddown, or they may become ineligible at later date. They may decide to forgo this new benefit to maintain spenddown.

The proposal would dictate \$2 co-pay for generics and \$15 for trade name, when a generic is available. DMS assumed that the co-pay for trade name drugs where there is no generic available would be \$2. For the purpose of this fiscal note, DMS states that there would be 50% generics and 50% trade name drugs. DMS further assumed that 50% of the trade name drugs are trade name drugs, for which there is no generic available.

The proposed language specifies that married couples would be considered collectively for the purpose of eligibility, in terms of income and pharmaceutical expenses. The proposal also dictates that the monthly deductible would be a combined deductible. This requirement would be more administratively burdensome.

For the purposes of calculating co-pays and enrollment fees, DMS multiplied couple returns by 1.5.

The proposal does not define the benefit package in terms of which drugs would be covered and which would not be covered. For the purpose of this fiscal note, DMS assumed that the benefit package would be the drugs currently covered by Medicaid.

DMS assumed that the enrollment contractor would collaborate with the Division of Aging in regard to outreach, enrollment assistance, and education.

DMS assumed that DMS could produce the required quarterly reports with existing staff and resources.

For the purpose of this fiscal note, DMS assumed that the pharmacy cost per eligible would increase by 15% in FY 2004.

For the purpose of this fiscal note, DMS assumed that there would not be any rebates received from the pharmacy manufacturers, which could reduce the state's cost of the program. DMS estimates that rebates could amount to 15% of the total pharmacy cost, based on rebates received in the New York senior pharmacy program.

DMS further states the proposal states that individuals with income in excess of \$25,000 and couples with income in excess of \$50,000, who are currently not covered by a pharmacy plan or ASSUMPTION (continued)

receiving Medicaid benefits, would be eligible once they have expended ten percent of their

income. DMS recognizes this population, but is unable to determine the cost of this requirement. In addition, DMS assumes that this population would be required to provide a co-pay, once they are eligible.

The proposal would require singles and couples to meet a monthly deductible amount. DMS assumes some persons would not have prescriptions filled every month. Therefore, it can be assumed that persons would not meet the expected yearly deductible amounts. This would significantly increase the cost of the program, but DMS is unable to estimate.

As stated previously, the number of persons eligible for this program was provided by DOR/OA, which was based on tax return data. Since not all persons file tax returns, DMS assumes that there are individuals who would qualify for this program, but since we are unable to quantify, they were not included in this fiscal note.

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** did not respond to our fiscal impact request. However, in responding to a similar proposal repealing the prescription tax credit BAP responded that the elimination of the senior citizen pharmaceutical tax credit program would result in the state saving \$89.3 million in general revenue.

| <u>FISCAL IMPACT - State Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
|---|---------------------|----------------------------|------------------------------|
| GENERAL REVENUE FUND | | | |
| <u>Savings - Office of Administration</u> | | | |
| Repeal of pharmaceutical tax credit | \$0 | \$89,300,000 | \$89,300,000 |
| <u>Costs - Department of Social Services - Division of Medical Services</u> | | | |
| Personal services (6 FTE) | \$0 | (\$272,461) | (\$279,273) |
| Fringe benefits | \$0 | (\$90,811) | (\$93,082) |
| Expense and equipment | \$0 | (\$3,254,391) | (\$4,526,487) |
| Program costs | <u>\$0</u> | <u>(\$22,528,834)</u> | <u>(\$102,256,801)</u> |
| Total <u>Costs</u> - DMS | <u>\$0</u> | <u>(\$26,146,497)</u> | <u>(\$107,155,643)</u> |
| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | <u>\$0</u> | <u>\$63,153,503</u> | <u>(\$17,855,643)</u> |

FISCAL IMPACT - Local Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Small Business

Small businesses (pharmacies) would expect to be fiscally impacted to the extent that they would incur additional administrative costs due to the requirements of this proposal.

DESCRIPTION

This proposal would establish the Pharmaceutical Investment Program for Seniors in the Department of Social Services and would list guidelines for participation in the program. It would list 4 categories of eligibility based on specified household income levels and annual prescription costs for applicants. Individuals who receive Medicaid benefits would be excluded from the program as would be individuals who are eligible for prescription drug coverage under an employer-sponsored or retirement health insurance plan and individuals who have income sufficient to purchase insurance to cover prescription drug costs. The proposal would allow qualified applicants to participate in the program by meeting a cost-sharing obligation through payment of a monthly deductible that would be based on the applicant's income. It would also require certain co-payments for generic and name-brand drugs during the first year of the program and would allow the General Assembly to require further co-payments. Individuals would apply annually for participation in the program and would be assessed for Medicaid eligibility. The proposal would not require acceptance of Medicaid benefits in lieu of participation in the program. It would also require interagency collaboration for education and outreach programs to inform consumers about the program. The Department of Social Services would submit quarterly reports containing specified program data. The proposal would also repeal the \$200 income tax credit for senior citizens to offset prescription drug costs.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health
Department of Social Services
Office of Secretary of State

NOT RESPONDING: Office of Administration - Division of Budget and Planning

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "Jarrett".

Jeanne Jarrett, CPA
Director

March 6, 2001